

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LORI WHATLEY,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social
Security,

Defendant.

CIVIL ACTION NO. 06-0779

JUDGE GARY LANCASTER
MAGISTRATE JUDGE CAIAZZA

MEMORANDUM ORDER

On June 21, 2006, this case was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636 (b) (1) (A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On July 19, 2007 the magistrate judge issued a Report and Recommendation (Doc. 20) recommending that the District Court deny the Defendant's Motion for Summary Judgment (Doc. 17), and grant claimant Whatley's Motion for Summary Judgment (Doc. 13), insofar as it requests a remand. Service of the Report and Recommendation was made on all parties and no objections have been filed. After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following

order is entered:

AND NOW, this 12th day of August 2007, IT IS HEREBY ORDERED that the Defendant's Motion for Summary Judgment (Doc. 17) is **DENIED**, and that the Claimant Whatley's Motion for Summary Judgment (Doc. 13) is **GRANTED**, insofar as it requests remand to the Commissioner. The clerk is directed to remand this matter to the Commissioner forthwith, with directions that the ALJ reconsider the evidence addressing the issues discussed in the Opinion of the Court.

The Report and Recommendation of Magistrate Judge Caiazza (Doc. 20) dated July 17, 2007, is hereby adopted as the opinion of the court.



Gary L. Lancaster
U. S. District Judge

cc:

Francis X. Caiazza
United States Magistrate Judge

Attorneys of Record
Via Electronic Mail